

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10, 13-20, 23 and 50 are pending in this application. Claims 11, 12, 21, 22 and 24-49 are withdrawn. Claims 1, 13 and 23 are amended and Claim 50 is added by the present response without introducing new matter. Support for amendments to the claims can be found, at least, in Figures 32-34. Support for additions to the claims can be found in Figures 25 and 26 and the corresponding description.

In the outstanding Office Action, Claims 1-10 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter; Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph, as indefinite; and Claims 1, 2, 5-7, 10, 13, 14, 17, 18 and 23 were rejected under 35 U.S.C. §102(b) as anticipated by Fisher et al. (U.S. Pat. No. 6,243,691, herein “Fisher”); and Claims 3, 4, 15 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Fisher.

Initially, applicant and applicant’s representative wish to thank Examiner Haq for the interview granted applicant’s representative on April 4, 2007. During that interview the outstanding rejections were discussed in detail. Further, during that interview claim amendments were discussed to clarify the claims. The present response sets forth the discussed claim amendments. Accordingly, the Examiner tentatively agreed such amended claims address the current rejection, but also indicated that further consideration would be necessary before any allowance is issued.

With respect to the rejection of Claims 1-10 under §101 as directed to non-statutory subject matter and §112, second paragraph as indefinite, Claim 1 is directed to a service information providing apparatus which includes a service providing part and a service information providing part configured to provide information concerning the service in

response to a request from a user terminal. As was discussed in the interview, the service information providing apparatus is, for example, a server which includes the function of providing information about a service based on a request from a user terminal. Although the server may incorporate a program into its performance of its intended function, the machine or "apparatus" claimed is none-the-less still statutory subject matter.<sup>1</sup> Therefore, clearly the "apparatus" claimed in Claim 1 is directed to statutory subject matter and is not indefinite. Accordingly, Applicants respectfully request that the rejections of Claims 1-10 under §101 and §112, second paragraph, be withdrawn.

Addressing now the rejection of Claims 1, 2, 5-7, 10, 13, 14, 17, 18 and 23 under 35 U.S.C. §102(b) as anticipated by Fisher that rejection is respectfully traversed.

Amended Claim 1 recites, in part,

a service providing part configured to provide a service which a user utilizes,

wherein said service providing part further includes a service information providing part configured to provide information concerning the service in response to a request from a user terminal, the information utilized when the user selects the service, and

wherein the service is configured to operate a hardware resource which performs image formation.

Claims 13 and 23 recite similar features.

Fisher describes a system and method for conducting a multi-person, interactive auction, in a variety of formats, without using a human auctioneer to conduct the auction.

However, as acknowledged in the interview, Fisher does not describe a service providing part configured to provide a service which a user utilizes, where the service

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<sup>1</sup> See MPEP 2106 and 2106.01 which states "[c]omputer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory."

providing part further includes a service information providing part configured to provide information concerning the service in response to a request from a user terminal, the information utilized when the user selects the service and where *the service is configured to operate a hardware resource which performs image formation*, as is recited in Claim 1.

Accordingly, Applicants respectfully submit that Claim 1 and similarly Claims 13 and 23 and claims depending therefrom patentably distinguish over Fisher.

Further Applicants respectfully submit that newly added Claim 50 also patentably distinguishes over the cited Fisher reference.

Claim 50 recites,

a service information providing apparatus comprising:  
a network interface configured to connect the service information providing apparatus to a network;  
a service providing part configured to provide, to a user terminal via the network, a list of services available that correspond to a user request, the service providing part further including a service information providing part configured to provide, to the user terminal, information concerning each service in the list of services,  
wherein each service corresponds to an operation of a hardware resource which performs image formation.

For example, Claim 50 recites an apparatus (for instance, a server) that includes a network interface and a service providing part that provides a user terminal with a list of services that are available on the network that match the information in a user request. For example, a user may request all available printing services or all available document repository services. For instance, Figure 25 illustrates a U/I which allows a user to select “repository service”, once this selection is complete and received by the server, the service providing part provides the user terminal with a list of available services that match this request, see Figure 26 for example. In addition to providing the list of available services, the service information providing part of the apparatus provides information to the user terminal concerning each of the services in the list, see Figure 19 for example. Finally Claim 50 recites

that each service corresponds to an operation of a hardware resource used for image formation. These features are not described or suggested by the cited references.

Accordingly, Applicants respectfully submit that Claim 50 also patentably distinguishes over Fisher.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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